

June 9, 2020

Over the past few days, I have received numerous inquiries about the content of the Matthews Police Department's policies and directives as it relates to the use of force by officers. I would like to take this opportunity to provide a full detailed response and explain our department's policies and training. I want to assure you that I am committed to new ideas and policy changes that enable our agency to be the most professional in the area, and to ensure the safety of our officers and all residents of Matthews. This is paramount in any adoption/changes to tactical application of our policies.

I have been in discussions with Mayor John Higdon and Town Manager Hazen Blodgett, regarding a complete review and adoption of the "8 Can't Wait" campaign into our policies where necessary.

The "8 Can't Wait" campaign was launched in June of 2020 and points to eight policies for local government and police departments to adopt in order to reduce force used by officers. The Matthews Police Department consistently evaluates our policy and tactics against Best Practices. We have identified and updated content in our policies that required further clarification. We have taken those steps as a direct response to the desired transparency the public and our elected officials seek.

Each policy referenced below is designed to guide and direct the action of Matthews police officers in the execution of their lawful duties. Each policy is designed to hold accountable those Matthews police officers that step outside the values of our community. I believe it is also important to continue the conversation on accountability for others that commit heinous violations of law and the expectation that our officers are supported in the lawful, ethical execution of their duties.

I know that the residents of Matthews support the police officers in our town, and I hope that these clarifications help further that support and provide transparency. In keeping with the principals of policing developed by Sir Robert Peel, and working under the concept of "policing by consent", we will build our legitimacy based on "general consensus of support that flows from transparency of our powers, our integrity in exercising those powers, and our accountability for doing so."

I know that in order to continue building trust and legitimacy, you must believe we are acting in a procedurally just manner. I am committed to working with you through open dialogue and tough conversations to ensure we continue our progression forward.



Chief of Police  
Matthews Police Department

The employees of the Matthews Police Department strive to promote a safe community by preventing crimes and reducing the fear of crime, while treating all individuals fairly and with respect. Our members will demonstrate honesty, professionalism and integrity, while building the partnerships necessary to enhance the safety of our community.

The “8 Can’t Wait” campaign consists of:

1. Ban chokeholds and strangleholds
2. Require de-escalation
3. Require warning before shooting
4. Exhaust all other means before shooting
5. Duty to Intervene
6. Ban Shooting at moving vehicles
7. Require Use of Force Continuum
8. Require comprehensive reporting

1. Ban chokeholds and strangleholds: In our latest revision to our Use of Force General Order, it states "except during an incident in which the use of deadly force is authorized 'strangleholds' and other similar holds which choke or restrict blood flow, etc. are prohibited." (General Order 05-04. IV Policy, #4)

The policy prohibits the use of chokeholds and strangleholds unless the use is a last resort to protect the officer or others from imminent death or serious bodily injury. This language was added to clarify the strict prohibition of those actions that restrict blood flow or oxygen to the brain. We have always prohibited this action but recently realized the language was not as clear as it could be. In previous editions of the policy, we restricted the use of equipment and/or techniques that the officer is not certified or trained to use by the department. We do not teach strangleholds or chokeholds and during our use of force review we articulated their use is and was prohibited.

2. Require de-escalation: De-escalation is a significant part of our use of force policy and a focus of ongoing training. In late 2019, the police department trained every sworn member on de-escalation techniques while interacting with a person in crisis. Additional training received by every member of the agency includes:
  - a. Leadership through Community Partnership
  - b. Communication Skills with Persons in Crisis- De-escalation Techniques
  - c. Best Practices for Officers during Community Dissent
  - d. Strategies to Improve Law Enforcement Officers Interactions and Relationships with Minority Youth
  - e. Equality in Policing
  - f. Individual Wellness and Coping with Stress
  - g. Use of Force Policy Training
  - h. Situational Awareness/ Subject Control Techniques

In addition, officers are only allowed to use the "minimum level of force necessary to:

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- (1) protect themselves or others,
- (2) to effect an arrest, or
- (3) to maintain control of an arrested person... under no circumstances shall the force used be greater than necessary to achieve the lawful objective."

G.O. 05-04, Use of Force,

## IX. ISSUED/ PROVIDED IMPLEMENTS OF RESPONSE/ FORCE

### 7. FIREARMS

#### Usage Criteria-Firearms

- d. Officers shall not unnecessarily place themselves in a position of exposure to the imminent threat of death or physical bodily injury when there are reasonable alternative actions, including but not limited to, the following:
  - i. finding suitable cover;
  - ii. containing the threat and securing the scene; and/or
  - iii. waiting for available back-up officers necessary to deal with the situation so as to reduce the necessity of the use of deadly force, unless the delayed response resulting from any of these actions places others in imminent threat of serious bodily injury or death
- 3. Require warning before shooting: It must be clear and understood that officers WILL warn prior to shooting WHEN FEASIBLE. Meaning, when the officer is required to act decisively and use deadly force and he or she is absolutely sure the use is required, they will warn prior to the use, unless the warning would allow for further imminent threat or injury to the public.

General Order 05-04, Section: IV Policy #3 states, "When practical, officers should give a verbal warning before the use of force. Not all situations will allow for a verbal warning."

G.O. 04-05, Use of Force

## IX. ISSUED/ PROVIDED IMPLEMENTS OF RESPONSE/ FORCE

### 7. FIREARMS

#### Usage Criteria-Firearms

- c. An officer, after having determined the use of deadly force is appropriate, and after giving verbal warning of their intent, when feasible, and visual notice to the suspect of his or her identity as a police officer, may use or threaten to use deadly force only when:

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- i. The officer has probable cause to believe the individual to be arrested has committed a felony involving the infliction or threatened infliction of serious bodily injury or death; or
  - ii. The officer has probable cause to believe that the individual to be arrested poses an imminent threat of serious bodily injury or death, either to the officer or to others, unless immediately apprehended
4. Exhaust all Alternatives Before Shooting: Matthews officers are trained to use every de-escalation tactic feasible, when the situation allows, prior to reaching any level of physical force. If the situation reaches to the level of needed physical force, our officers are then required to use only the minimum level necessary to affect the lawful objective.
5. Duty to Intervene: The Matthews Police Department has been actively transitioning into a Stratified Policing Model. This model is one of accountability. We empower every member of the organization to hold each other accountable for their actions in solving problems and being good stewards of the community. Last month, ahead of this tragedy in Minneapolis, we updated our Standards of Conduct requiring members who witness unlawful or unethical behavior to take action to stop it and then report it to their supervisor.

#### G.O. 02-20, Standards of Conduct

##### VII. General Conduct

###### Accountability and Responsibility

- c. Officers have a duty to intervene to prevent or stop wrongdoing by another officer when it is safe and reasonable to do so.
- d. Officers have a duty to report any misconduct of which they become aware and shall notify a supervisor as soon as possible when another member of the agency is violating law or policy.

#### G.O. 04-05, "Use of Force"

##### IV. Policy

7. Officers will take appropriate action in any situation in which they know or should have known their failure to act would result in an excessive force response. Additionally, officers have a duty to report any violation of department orders and laws.

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6. Ban Shooting at Moving Vehicles: Our Use of Force Policy prohibits officers in engaging deadly force against a person in a moving vehicle. Our policy also goes further and restricts the use of deadly force from a moving vehicle.

G.O. 04-05, Use of Force

## IX. ISSUED/ PROVIDED IMPLEMENTS OF RESPONSE/ FORCE

### 7. FIREARMS

- f. Usage Criteria-Firearms “The use of firearms is prohibited in the following circumstances:
  - iii. Firing warning shots;
  - iv. Firing at fleeing felony suspects who do not represent an imminent threat to the life of the officer or another person;
  - v. Firing at or into a moving vehicle that does not represent an imminent threat to the life of the officer or another person;
  - vi. Firing at a vehicle for the purpose of disabling it, and
  - vii. Firing from a moving vehicle.”
7. Require Use of Force Continuum: Training and actions of officers in response to passive and active resistance is rooted in the officer’s understanding and application of the Use of Force Continuum. The Matthews Police Department has incorporated the use of force continuum throughout our Use of Force Policy and trains officers on its application annually at our firearms qualifications.

G.O. 04-05, Use of Force

## VI. USE OF FORCE CONTINUUM:

1. The Use of Force Continuum shall serve as a suggested guideline for determining the appropriate responses to force, aggression, or resistance.
2. The Use of Force Continuum is based upon the concept of the selection of the police officer’s level of response in direct correlation to the level of resistance or threat posed by the suspect or violator.
3. It is understandable that officers are often faced with making split-second decisions about the amount of force that is necessary for a particular situation or circumstances when conditions are tense, uncertain, and rapidly evolving. Officers may be required and be found fully justified in using force that falls at any point on the continuum based on the circumstances. Circumstances impacting the officer’s decision may include, but are not limited to, the following:
  - a. The nature of the offense;
  - b. The behavior of the suspect against who force is to be used;

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- c. Physical size and conditioning of the suspect;
  - d. The immediate availability of weapons to the offender;
  - e. The feasibility or availability of alternative responses;
  - f. Location of conflict and likelihood of additional risks;
  - g. The availability of additional officers.
4. Except during an incident in which the use of deadly force is authorized, “strangleholds” and other similar holds which choke or restrict blood flow, etc. are prohibited.
8. **Require Comprehensive Reporting:** Reporting and documentation is a significant part of the duties and responsibility of all members of the agency. Policies are in place to mandate the accurate account of actions taken by members of the police department.

G.O. 04-05, Use of Force

IV. Policy

- 2. Any officer who uses force against any person must be able to articulate the specific reason(s) for using force and must be able to articulate specific reasons for employing the amount of force used
- 8. Officers shall document any use of force by completing an officer’s statement providing a copy to their supervisor as an attachment to a BLUE TEAM Use of Force Entry. Supervisors and Officers are not required to complete a ‘Use of Force Report’ for instances where verbal control or officer presence are the only levels of force used. Incidents of the verbal control or officer presence shall be detailed in the incident or miscellaneous report.
- 9. Upon any incidences of death or serious bodily injury as a result of the use of force by a member of the Matthews Police Department, a request shall be made to the North Carolina State Bureau of Investigation to assist in the subsequent internal investigation. Two simultaneous investigations shall normally take place determining whether the use of force was within the administrative policies of the department and whether the use of force violated any criminal laws

G.O. 06-03, Written Reports

IV. POLICY: The accurate documentation of investigative and enforcement activities is essential to the mission of the Matthews Police Department. Members are responsible for completing all reports and associated paperwork as prescribed by Department policies, when not otherwise specified, in a timely manner. The records division is responsible for maintaining reports and associated attachments through the Department designated records management system. The Department will conform to all state and national report writing requirements.

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